



THE REGIONAL PLANNING COMMISSION

County of Los Angeles

MINUTES

Meeting Place: Room 150 Hall of Records
320 W. Temple Street
Los Angeles, California 90012
Meeting Date: October 21, 2015 - Wednesday

Time: 9:00 a.m.

Present:

Commissioners Pincetl, Smith, Louie, Pedersen

Absent: Commissioner Modugno

Ex Officio Members:

Director of Public Works: Mr. Andy Narag, Senior Civil Engineer

County Counsel: Ms. Elaine Lemke, Principal Deputy

Planning Director: Mr. Mitch Glaser, Assistant Administrator, Current Planning Division

Forester and Fire Warden: Ms. Janna Masi, Supervising Fire Prevention Engineer

PLEDGE OF ALLEGIANCE

1. The Pledge of Allegiance was led by Commissioner Pedersen representing the Fourth Supervisorial District.

MISCELLANEOUS

Commissioner Pincetl, Vice Chair welcomed the newest member Doug Smith to the Regional Planning Commission. He will be representing the First Supervisorial District.

APPROVAL OF AGENDA

2. Motion/second by Commissioners Pedersen/Louie – That the agenda for October 21, 2015 be approved.

At the direction of the Vice Chair, the agenda was approved with Commissioners Pedersen, Louie, Pincetl and Smith in favor and Commissioner Modugno being recorded as absent.

COUNTY COUNSEL REPORT

3. There were no reports given by County Counsel.

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DIRECTOR/DEPUTY DIRECTOR

4. Mr. Glaser, reported that the Board of Supervisors approved the General Plan Update and certified the Environmental Impact Report (EIR). The effective date of the new General Plan and all associated actions is November 5, 2015.

In addition, he reported that an appeal was filed on October 14, 2014 on the approval of Regional Planning Commission on Project No. R2014-01923-(5), Variance No. 201400008. To authorize a variance for the construction of a new single-family residence on a legal undersized 4,670 square foot lot in the R-1-7,500 (Single-Family Residence – 7,500 Square Feet Minimum Required Lot Area) zone within the unincorporated community of La Crescenta. The project is categorically exempt Class 3 – New Construction or Conversion of Small Structures pursuant to CEQA reporting requirements.

Lastly, the Board of Supervisors voted to uphold the appeal on Project No. R2012-02436 to 02440 and R2013-03620 to 03630-(3), Environmental Assessment Case No. 201200258. An appeal of a Mitigated Negative Declaration adopted by the Director for development of up to 16 new single-family homes within Tract No. 38931 in unincorporated Monte Nido. 13 of the 16 new single-family homes were “approved in concept” by the Director pursuant to the previously adopted 1986 Malibu Land Use Plan, which has been replaced by the newly adopted 2014 Santa Monica Mountains Local Coastal Program.

MINUTES FOR APPROVAL

5. Motion/second by Commissioners Louie/Pedersen – That the minutes for September 2, 2015 be approved.

At the direction of the Vice Chair, the minutes were approved with Commissioners Louie, Pedersen and Pincetl in favor and Commissioner Smith as abstaining and Commissioner Modugno being recorded as absent.

PUBLIC HEARINGS

Zoning Permits - West Section

Action Taken as Noted

6. Project No. R2013-02546-(2). Applicant: Ned Nik. 11408 New Hampshire Avenue. West Athens-Westmont Zoned District. a. Conditional Use Permit No. 201300125. To authorize the construction and maintenance of a new ARCO AM/PM gas station and convenience store within the Vermont Station Green Line Transit Oriented District and to authorize the off-site sale of beer and wine at the AM/PM. b.

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PUBLIC HEARINGS (Cont.)

Zoning Permits - West Section

Environmental Assessment No. 201300213. To consider a Negative Declaration as it has been determined that the project will not have a significant effect on the environment pursuant to CEQA reporting requirements.

Mr. Temple presented the staff report and indicated that the on-site posted notice was removed from the project site on October 10, 2015, which was verified by staff. The Notice of Public Hearing is required to be posted on site continuously for 30 consecutive days pursuant to County Code Section 22.60.175. Therefore, staff recommends that the item be continued.

Commissioner Smith questioned if there are any types of programs or incentives for small markets or convenience stores that can place healthy food, fruits, and vegetables products for nutritional foods being available for customers.

Commissioner Louie requested that staff contact the South Los Angeles Sheriff Station to provide their input on number of calls for service and that the applicant be present for the next hearing. Staff indicated that this location is a high-crime area with regular calls for disturbance and public intoxication in the area and will contact again the Sheriff's Department for a report. Mr. Temple informed the Commission that the applicant plans to attend the next meeting.

Discussion was held between staff and the Commission in regards to Vermont Station-Green Line Transit Oriented District (TOD). The adoption of the 2035 General Plan will remove the TOPD overlay that requires a conditional use permit for a gas station on this property. Under the 2035 General Plan, the zoning on the property will remain C-2, and with the repeal of the TOD, the gas station will be permitted by right. At the time of staff report, the 2035 General Plan was expected to be adopted. However, even with the adoption of the General Plan, the off-site sale of beer and wine from the convenience store will still require a conditional use permit.

Motion/second by Commissioners Pedersen/Louie – That the Regional Planning Commission continue the item to Wednesday, December 2, 2015 to meet the posting requirements pursuant to County Code Section 22.60.175.

At the direction of the Vice Chair, the item was continued to Wednesday, December 2, 2015.

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PUBLIC HEARINGS

Land Divisions

Project Approved

7. **Project No. R2012-00723-(1). Tentative Parcel Map No. PM071931. Applicant: Landvest LLC / Billy Chen. 17133 E. Francisquito Avenue, West Covina. Puente Zoned District. A minor land division request to create three single-family lots, two of which are flag lots, on 0.76 gross acres. The project site is zoned R-1-7500 (Single-Family Residence – 7,500 Square Foot Minimum Required Lot Area).**

Ms. Pavlovic presented the staff report followed by testimony from Billy Chen, applicant's representative in favor of the project. There being no members of the public present in opposition, no rebuttal was required.

The Commission asked if the applicant agreed to the imposition of additional conditions related to Department of Public Works pertaining to the hydrology report to which the applicant consented.

Motion/second by Commissioners Smith/Pincetl – That the Regional Planning Commission close the public hearing and find that the project is categorically exempt pursuant to state and local CEQA guidelines, and approve Tentative Parcel Map No. 071931, with findings and conditions of approval and modification to include: 1) An approved drainage requirement to the satisfaction of Department of Public Works; and 2) submit a drainage and grading plan for review and approval to the satisfaction of Department of Public Works.

At the direction of the Vice Chair, the item passed with Commissioners Smith, Pincetl, Louie and Pedersen in favor and Commissioner Modugno being recorded as absent. The appeal period for this item ends on Monday, November 2, 2015.

Project Approved

8. **Project No. R2014-00748-(1). Tentative Parcel Map No. PM072457. Applicant: VS Ventures LLC / Billy Chen. 922 Aldgate Avenue, La Puente. Puente Zoned District. A minor land division request to create two single-family lots, one of which is a flag lot, on 0.46 gross acres. The existing single-family residence was constructed in May of this year and will remain. The project site is zoned R-1-6000 (Single-Family Residence – 6,000 Square Foot Minimum Required Lot Area).**

Ms. Pavlovic presented the staff report followed by testimony from Billy Chen, applicant's representative in favor of the project. There being no members of the public present in opposition, no rebuttal was required.

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PUBLIC HEARINGS (Cont.)

Land Divisions

Motion/second by Commissioners Smith/Pincetl – That the Regional Planning Commission close the public hearing and find that the project is categorically exempt pursuant to state and local CEQA guidelines, and approve Tentative Parcel Map No. 072457, with findings and conditions of approval.

At the direction of the Vice Chair, the item passed with Commissioners Smith, Pincetl, Louie and Pedersen in favor and Commissioner Modugno being recorded as absent. The appeal period for this item ends on Monday, November 2, 2015.

DISCUSSION AND POSSIBLE ACTION

Zoning Permits - West Section

Action Taken as Noted

9. **Project No. R2014-02228-(2). Conditional Use Permit No. 201400112. Applicant: Mr. Ronald Flury. 20850 Normandie Avenue. Carson Zoned District. A request to rehear a project to authorize the operation of an existing trucking facility with truck and equipment storage, truck and equipment repair, and offices in the MPD (Manufacturing-Industrial Planned) Zone. The project is categorically exempt Class 1 – Existing Facilities, pursuant to CEQA reporting requirements.**

Ms. Arakelian presented the staff report and requested that a rehearing be considered due to a procedural error where the Commission closed the public hearing, and a final decision on the project was not determined. The applicant therefore, has requested that the Commission consider rehearing the project rather than having to appeal the matter to the Board of Supervisors.

Discussion was held between staff and the Commission; County Counsel informed the Commission that if a rehearing is allowed it will be considered as a de novo hearing and the entire application would be considered. If the Commission denies the request, under due process the applicant would be able to appeal the entire decision.

Ms. Arakelian informed the Commission that the Environmental Protection Agency (EPA) has taken over management and oversight of the excavation on-site and are requesting that the applicant secure the stock pile on-site and submit a work plan for disposal to EPA within 30-60 days.

Commissioner Pincetl requested clarification on how the Commission considers the DDT pile relative to our land use decision. Mr. Anhtu Nguyen, a representative from the US

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DISCUSSION AND POSSIBLE ACTION (Cont.)

Zoning Permits - West Section

Environmental Protection Agency (USEPA) responded that it's the EPA's intent to take over the eastern portion and become the lead agency. The plan is to maintain the stock piles and manage them and have ECI develop a plan to dispose of the soil properly.

Commissioner Louie raised concerns that the stock pile of DDT is currently a threat to the health and welfare of the local community and is a risk pending El Nino. It will create problems with soil migrating or blowing-off and the leeching going into the soil because of the heavy rains anticipated.

Ms. Yolanda Sanchez of EPA informed the Commission that currently there is DDT contaminated soil on-site and evidence indicates that DDT has shown some health effects when people are exposed at high levels over a long period of time. EPA's intent is to control the migration of the contaminated soil off-site.

Commissioner Pincetl questioned whether or not the trucking operations are impacting the ability to remediate the site or exacerbating problems from the DDT stock pile. She questioned whether the area where the soil was excavated was secured and covered at all times completely to avoid further risk due to winds blowing contaminated soil to the nearby residents.

Ms. Arakelian indicated the periods of time the pile has not being entirely covered or whether there is any barrier fencing.

County Counsel informed the Commission that as part of the Conditional Use Permit (CUP), the Commission, in addition, to EPA recommendations and enforcement can mitigate against further contamination or spreading by requiring fencing, setbacks and comply with the EPA Order. If the applicant does not comply with the EPA Order, then it would be a violation of the CUP.

Commissioner Pedersen requested that all Commissioners consider reviewing the entire application thoroughly to allow full participation when voting.

Commissioner Louie requested that staff look at the DDT being on site, the potential threat to the community and whether or not there is a nexus between that and the operation of the trucking facility. In addition, to the Commissioners role versus EPA and other enforcement agencies on the context of the land use approval or disapproval.

Motion/second by Commissioners Louie/Pedersen – That the Regional Planning Commission approve the request to rehear Project No. R2014-02228-(2) - Conditional Use Permit No. 201400112.

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DISCUSSION AND POSSIBLE ACTION (Cont.)

Zoning Permits - West Section

At the direction of the Vice Chair, the item passed with Commissioners Louie, Pedersen, Pincetl and Smith in favor and Commissioner Modugno being recorded as absent. The appeal period for this item ends on Wednesday, November 4, 2015.

PUBLIC COMMENT

10. Public comment pursuant to Section 54954.3 of the Government Code.

There were no requests by members of the public to address the Commission.

CONTINUATION OF REPORTS

11. Possible Call for Review of Decisions by Hearing Officer, pursuant to Section 22.60.200 of the Los Angeles County Code.

There were no items Called up for Review by the Commission.

12. Commission/Counsel/Director Reports

Request to cancel the November 23, 2015, regular meeting of the Regional Planning Commission.

Motion/second by Commissioners Louie/Smith – That the Regional Planning Commission cancel the Monday, November 23, 2015, meeting from the approved meeting schedule.

At the direction of the Vice Chair, the item passed with Commissioners Louie, Smith, Pincetl and Pedersen in favor and Commissioner Modugno being recorded as absent.

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ADJOURNMENT

A recording of the testimony received and the discussions held at this meeting and a copy of all findings and resolutions acted upon by the Commission are on file in the Department of Regional Planning.

The Commission adjourned at 9:58 a.m. to Wednesday, October 28, 2015.



Rosie O. Ruiz, Commission Secretary

ATTEST

APPROVE



Stephanie Pincett, Vice Chair



Mitch Glaser, Assistant Administrator
Current Planning Division